

Case 2:05-cv-00105 Document 21 Filed 12/08/06 Page 1 of 2 PageID #: 48

In support of this Motion, Defendant files simultaneously herewith its (1) Memorandum in Support of Motion for Summary Judgment, (2) Statement of Undisputed Material Facts, (3) Notice of Filing in Support of Motion for Summary Judgment, (4) Affidavit of Sue Pogue, and (5) Affidavit of Dr. Robert Bell. Defendant asks that the Court take these filings into consideration when ruling on this Motion, and hereby incorporates them into this motion as fully as if stated herein.

Respectfully submitted,

ROBERT E. COOPER, JR.
ATTORNEY GENERAL AND REPORTER

s/ Jay C. Ballard
Jay C. Ballard (#17242)
Assistant Attorney General
Civil Litigation and State Services Division
Post Office Box 20207
Nashville, Tennessee 37202
(615) 741-5031
jay.ballard@state.tn.us.
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2006 a copy of this Motion for Summary Judgment was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt as follows: **James L. Harris**, Plaintiff's counsel. Parties may access this filing through the Court's electronic filing system.

s/ Jay C. Ballard
Jay C. Ballard (#17242)
Assistant Attorney General
Civil Litigation and State Services Division
Post Office Box 20207
Nashville, Tennessee 37202
(615) 741-5031
jay.ballard@state.tn.us.
Counsel for Defendant